

Exhibit 38

JAMES McMANIS (40958)
NEDA SHAKOORI (283823)
McMANIS FAULKNER
A Professional Corporation
50 West San Fernando Street, 10th Floor
San Jose, California 95113
Telephone: (408) 279-8700
Facsimile: (408) 279-3244
nshakoori@mcmanslaw.com

Counsel for Indirect Purchaser Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION**

Case No. 3:07-cv-5944
MDL No. 1917

CLASS ACTION

**DECLARATION OF JAMES McMANIS IN
SUPPORT OF PLAINTIFFS' APPLICATION
FOR ATTORNEYS' FEES, EXPENSES AND
INCENTIVE AWARDS**

This Document Relates to:

All Indirect Purchaser Actions

Judge: Honorable Samuel Conti
Courtroom One, 17th Floor

1 I, James McManis, declare as follows:

2 1. I am an attorney licensed to practice before the courts of the state of California, and
3 a Partner in the law firm of McManis Faulkner. I have personal knowledge of the facts stated in
4 this declaration and, if called as a witness, I could and would testify competently to them. I make
5 this declaration in support of my firm's request for attorneys' fees and reimbursement of litigation
6 expenses, as set forth in Plaintiffs' Application for Attorneys' Fees, Expenses and Incentive
7 Awards.

8 2. My firm is counsel of record in this case, and represents named plaintiff(s) Carmen
9 Gonzalez. A brief description of my firm is attached as Exhibit 1 and incorporated herein by
10 reference.

11 3. Throughout the course of this litigation, my firm kept files contemporaneously
12 documenting all time spent, including tasks performed, and expenses incurred, and transmitted
13 those reports on a regular basis to Lead Counsel. All of the time and expenses reported by my firm
14 were incurred for the benefit of the Indirect Purchaser Plaintiffs ("IPPs").

15 4. During the course of this litigation, my firm has been involved in the following
16 tasks and activities on behalf of the IPPs. All of this work was assigned and/or approved by Lead
17 Counsel.

- 18 ▪ Legal research;
- 19 ▪ Case assessment and strategy;
- 20 ▪ Client meetings;
- 21 ▪ Court/hearing attendance;
- 22 ▪ Drafting of discovery requests and responses;
- 23 ▪ Document review; and
- 24 ▪ Review and analysis of motions and pleadings.

25 5. The schedule attached as Exhibit 2, and incorporated herein, is a detailed summary
26 of the amount of time spent by my firm's partners, attorneys and professional support staff who
27 were involved in this litigation. It does not include any time devoted to preparing this declaration

1 or otherwise pertaining to the Joint Fee Petition. The lodestar calculation is based on my firm's
 2 historical billing rates in effect at the time services were performed. Exhibit 2 was prepared from
 3 contemporaneous time records regularly prepared and maintained by my firm. Those records have
 4 been provided to Lead Counsel and I authorize them to be submitted for inspection by the Court if
 5 necessary. The hourly rates for my firm's partners, attorneys and professional support staff
 6 included in Exhibit 2 were at the time the work was performed the usual and customary hourly
 7 rates charged for their services in similar complex litigation.

8 6. The total number of hours reasonably expended on this litigation by my firm from
 9 inception to May 31, 2015 is 131.80 hours. The total lodestar for my firm at historical rates is
 10 \$52,440.00. The total lodestar for my firm at current rates is \$66,239.50. Expense items are billed
 11 separately and are not duplicated in my firm's lodestar.

12 7. The expenses my firm incurred in litigating this action are reflected in the books
 13 and records of my firm. These books and records are prepared from expense vouchers, invoices,
 14 receipts, check records and other source materials and accurately reflect the expenses incurred.
 15 My firm's expense records are available for inspection by the Court if necessary.

16 8. My firm incurred a total of \$4,334.12 in unreimbursed expenses, all of which were
 17 reasonable and necessary for the prosecution of this litigation. This amount reflects non-common
 18 litigation expenses incurred by my firm, such as travel, meals and lodging, copying, legal research,
 19 telephone, etc. A summary of those expenses by category is attached as Exhibit 3.

20 I declare under penalty of perjury that the foregoing is true and correct. Executed
 21 this 14th day of September 2015, in San Jose, California.

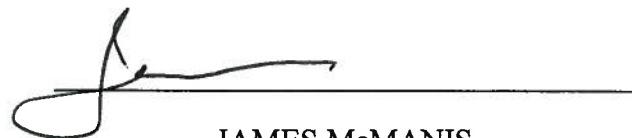
22
 23

 24 JAMES McMANIS

EXHIBIT 1

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McManis-Faulkner

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We measure our success where it matters most.

While our firm has grown and evolved over the last 15 years, we have adhered to three basic principles: steadfast dedication to our vocational craft; lawyers' unwavering client focus; and commitment to legal excellence. We measure our success not only in the courtroom, but in the long-term relationships we build with our clients.



Best Lawyers
BEST
LAW FIRMS
US News
2015

NEWS

[McManis Faulkner Partner Christine Peek Honored by Silicon Valley Business Journal as Top Young Executive in 40 Under 40 Supplement](#)

[Five McManis Faulkner Partners Named to Northern California Super Lawyers 2015 ®](#)

[Nine McManis Faulkner Attorneys Named to Northern California Super Lawyers 2015 Rising Stars ®](#)

[McManis Faulkner Named In Bay Area News Group's Top Workplaces In Bay Area](#)

SUCCESS

[McManis Faulkner Successful in the Ninth Circuit](#)

[McManis Faulkner Wins Unanimous Jury Verdict](#)

[MF Obtains Victory in Sixth District Court of Appeal](#)

[McManis Faulkner Obtains \\$11.3 Million Settlement](#)

[McManis Faulkner Obtains Largest Ever Sanction Award](#)

EVENTS

[Silicon Valley Business Journal 40 Under 40 Award Event](#)

August 20, 2015

[SCCBA CLE Event: 21st Century Technologies and Their Extraordinary Legal Implications](#)

June 23, 2015

[MCLE Event: SCCBA's Pre-Trial Motions Seminar](#)

June 11, 2015

[MORE »](#)

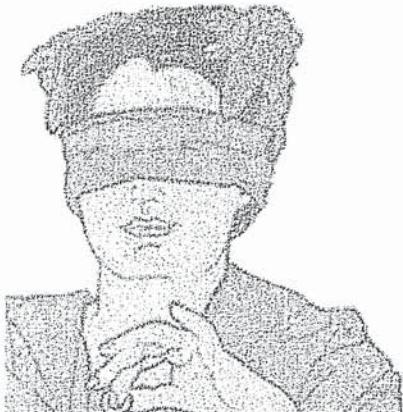
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McManis-Faulkner

TIGATION
AMILY LAW
PLOYMENT LAW
RIMINAL LAW
PELLATE LAW
ONFLICT RESOLUTION
ND ADR

Litigation
Commercial
General Civil
Plaintiff
Probate



LITIGATION

Litigation is the lifeblood of the McManis Faulkner firm.

Advocacy is what we have to offer, and good advocacy benefits any kind of case. That is our belief, and one of the reasons for our success.



Each firm lawyer brings knowledge of and experience in specific areas of practice; however, few of us would describe our professional accomplishments by pointing to one or two of these areas. Rather, we think of ourselves as generalists—trial lawyers, not litigators. And, there are few California firms that have the breadth of experience that McManis Faulkner brings to a case.

We have appeared in court in almost every kind of civil and criminal dispute, and tried significant number of them to verdict and judgment. Whether the case is a high stakes criminal prosecution, a complex civil case, or a bitter divorce, the firm's clients enjoy an advantage when represented by a McManis Faulkner lawyer.

- [Commercial](#)
- [General Civil](#)
- [Plaintiff](#)
- [Probate](#)

Case Studies

[The firm represented an entertainment company in an action in the United States District Court for the Northern District of California brought by two long time activists.](#)
[>>>](#)

[McManis Faulkner represented the Ringling Bros. and Barnum & Bailey Circus in an action brought by two long time, self-proclaimed animal rights activists.](#)
[>>>](#)

James McManis

Partner

jmcmanis@mcmanslaw.com

Telephone 408.279.8700

Fax 408.279.3244

[Download Vcard](#)



Focus - Litigation, Commercial Litigation, Criminal Law, Employment Law, Family Law, ADR

member of the trial bar for more than 40 years, Jim has unparalleled experience and skill in preparing and presenting cases for adjudication – whether by jury, judge, arbitrator, mediator or the parties themselves. He represents Silicon Valley companies with commercial, trade secret and intellectual property issues. Jim also represents individuals in a wide variety of matters, including civil rights actions, employment disputes, family law and criminal defense.

Representative Matters

- Achieved a six-figure verdict for an African-American investigator with the San Jose City Attorney's office in a civil rights action arising out of police misconduct against the plaintiff and his family.
- Obtained a verdict in excess of \$600,000 in an employment action against the City of San Jose arising out of the wrongful termination of the City's African-American fire chief.
- Defended Ringling Brothers and Barnum & Bailey animal trainer Mark Gebel (son of the legendary Gunter Gebel-Williams) on a charge of elephant abuse, resulting in an acquittal following a trial in which no defense evidence was presented.
- Represented a Silicon Valley executive on felony charges of molesting his children following a bitter divorce. The client was acquitted on all counts.
- Successfully defended at trial a will contest involving the estate of a Silicon Valley CEO and subsequently represented the plaintiff on appeal in a related case involving precedent-setting anti-SLAPP suit litigation.
- Obtained an \$86 million judgment for a Fortune 500 technology company in bitterly contested commercial litigation.

Professional and Community Contributions

Jim is a frequent lecturer, Jim is passionate about the education of those in the legal profession. He has served on the faculty of the Intensive Advocacy Program of the University of San Francisco Law School, the Advocacy Skills Workshop at Stanford Law School, and as a lecturer at Boalt Hall, University of California (Berkeley Law). In addition, Jim has taught at the California Center for Judicial Education and Research (CJER). He also serves on the Board of Trustees for the University of California Berkeley Foundation.

Jim served as Special Master for the Santa Clara County Superior Court, the U.S. Bankruptcy Court, and the U.S. District Court for the Northern District of California in the Technical Equities cases, described as involving the largest securities audit in California history. He also has served as a Judge Pro Tem for the Santa Clara County Superior Court and a Specia

member of the State Bar of California. Jim also was a member of the California State Bar's Task Force on Admissions regulation Reform.

wards and Honors

- Fellow, Academy of Court Appointed Masters
- Honorary Bencher of the Honorable Society of King's Inns, the oldest institution of legal education in Ireland
- Fellow, American College of Trial Lawyers
- Fellow, Litigation Counsel of America
- Fellow, American Bar Foundation
- Fellow, International Academy of Trial Lawyers (membership limited to top 500 trial lawyers in U.S.)
- Listed in The Best Lawyers in America® for 17 consecutive years, currently in Bet-the-Company Litigation; Commercial Litigation; Criminal Defense: White-Collar; Litigation - First Amendment; Litigation - Intellectual Property; and Litigation - Municipal
- The National Trial Lawyers Top 100 Trial Lawyers, 2015
- Appears in Who's Who in America
- Named to the Northern California Super Lawyers (2004 - 2015)
- Named one of Top 100 in Northern California Super Lawyers (2009–2014)
- Received with his spouse, Sara, the Trustees Citation from the University of California, Berkeley Foundation for "outstanding achievement in a major fundraising program"
- Honored with the Philip J. Berelson Award for Generous Philanthropy
- Named to the President's Blue Ribbon Commission on Diversity, Santa Clara County Bar Association, and accepted, on behalf of McManis Faulkner, the Bar's Unsung Heroes Award



eported Cases

- Ibrahim v. Department of Homeland Security (N.D. Cal., Jan. 14, 2014, No. 06-00545 WHA) ____ F. Supp.3d ___, 2014 WL 6609111.
- Ibrahim v. Department of Homeland Security (9th Cir. 2012) 669 F.3d 983.
- County of Santa Clara v. Superior Court (Naymark) (2009) 171 Cal.App.4th 119.
- Ibrahim v. Department of Homeland Security (9th Cir. 2008) 538 F.3d 1250.
- Sutter's Place v. Superior Court (2008) 161 Cal.App.4th 1370.
- Jasmine Networks, Inc. v. Marvell Semiconductor, Inc. (2008) 76 Cal.Rptr.3d 172.
- State Board v. Superior Court (2006) 138 Cal.App.4th 951.
- Jasmine Networks v. Marvell (2004) 117 Cal.App.4th 794.
- Zhao v. Wong (1996) 48 Cal.App.4th 1114.
- Fenwick & West v. Superior Court of Santa Clara County (1996) 43 Cal.App.4th 1272.
- Estate of Wong (1995) 40 Cal.App.4th 1198.
- Stalberg v. Western Title Insurance Company (1994) 27 Cal.App.4th 925.
- Portman v. County of Santa Clara (9th Cir.1993) 995 F.2d 898.
- Wright v. City of Santa Clara (1989) 213 Cal.App.3d 1503.
- Lazzaro v. Larson; In re Romo (1987) 190 Cal.App.3d 279.
- People v. Pringle (1984) 151 Cal.App.3d 854.
- People v. Conner (1983) 34 Cal.3d 141.
- Filmamatic Corporation v. General Electric Company (1980) 1980 – 1982 Trade Cas. (CCH) P63, 417.

rticles and Blogs

- "Be True To Your School" Daily Journal, October 10, 2011
- "Goodwill Between US and China" Daily Journal, August 17, 2011
- "Taking the Fifth Amendment In No Way Implies Guilt"

* [THE INTERNATIONAL ACADEMY OF TRIAL LAWYERS CHINA PROGRAM DUNNIS GOODMAN AND TRUPS CHAPE CHINESE LAW](#)

Admissions

State Bar of California
U.S. District Court, Northern, Central, Southern, and Eastern Districts of California
U.S. Ninth Circuit Court of Appeals, Federal Circuit, and D.C. Circuit
U.S. Supreme Court

Education

J.D., University of California, Berkeley School of Law, 1967
A.B. in History, with Distinction, Phi Beta Kappa, Stanford University, 1964

Languages

German

Short Bio

EXHIBIT 2

EXHIBIT 2

**IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917
TIME AND LODESTAR SUMMARY
INDIRECT PURCHASER PLAINTIFFS**

Firm Name	McManis Faulkner		
Reporting Year	2007		

EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	McManis Faulkner		
Reporting Year	2008		

EXHIBIT 2

**IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917
TIME AND LODESTAR SUMMARY
INDIRECT PURCHASER PLAINTIFFS**

Firm Name	McManis Faulkner		
Reporting Year	2009		

EXHIBIT 2

**IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917
TIME AND LODESTAR SUMMARY
INDIRECT PURCHASER PLAINTIFFS**

Firm Name	McManis Faulkner		
Reporting Year	2010		

EXHIBIT 2

**IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917
TIME AND LODESTAR SUMMARY
INDIRECT PURCHASER PLAINTIFFS**

Firm Name	McManis Faulkner		
Reporting Year	2011		

EXHIBIT 2

**IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917
TIME AND LODESTAR SUMMARY
INDIRECT PURCHASER PLAINTIFFS**

Firm Name	McManis Faulkner		
Reporting Year	2012		

EXHIBIT 2

**IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917
TIME AND LODESTAR SUMMARY
INDIRECT PURCHASER PLAINTIFFS**

Firm Name	McManis Faulkner		
Reporting Year	2013		

EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	McManis Faulkner		
Reporting Year	2014		

EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

TIME AND LODESTAR SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	McManis Faulkner		
Reporting Year	2015		

EXHIBIT 2

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917
TIME AND LODESTAR SUMMARY
INDIRECT PURCHASER PLAINTIFFS

Firm Name	McManis Faulkner													
Reporting Year	Inception through Present													

Year	1	2	3	4	5	6	7	8	9	10	11	12	Hours	Lodestar
2007	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
2008	9.10	0.00	1.40	18.20	0.00	0.00	0.00	0.00	0.00	24.00	0.00	0.00	52.70	\$ 21,880.00
2009	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.60	0.00	0.00	4.10	\$ 1,732.50
2010	4.60	0.00	1.30	11.60	0.00	0.00	0.00	0.00	0.00	10.70	0.00	0.00	28.20	\$ 11,005.00
2011	6.40	0.00	4.60	30.00	0.00	0.00	0.00	0.00	0.00	5.80	0.00	0.00	46.80	\$ 17,822.50
2012	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
2013	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
2014	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
2015	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
	20.60	0.00	7.30	59.80	0.00	0.00	0.00	0.00	0.00	44.10	0.00	0.00	131.80	\$ 52,440.00

STATUS:

- (P) Partner
- (OC) Of Counsel
- (A) Associate
- (LC) Law Clerk
- (PL) Paralegal
- (I) Investigator

CATEGORIES:

- 1 Attorney Meeting/Strategy
- 2 Court Appearance
- 3 Client Meeting
- 4 Draft Discovery Requests or Responses
- 5 Deposition Preparation
- 6 Attend Deposition - Conduct/Defend
- 7 Document Review
- 8 Experts - Work or Consult
- 9 Research
- 10 Motions/Pleadings
- 11 Settlement
- 12 Trial

EXHIBIT 3

EXHIBIT 3

IN RE CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION; MDL NO. 1917

EXPENSE SUMMARY

INDIRECT PURCHASER PLAINTIFFS

Firm Name	McManis Faulkner
Reporting Year	Inception through Present

TYPE OF EXPENSE		TOTAL
Assessments		
Outside Copies	\$	46.50
In-house Reproduction /Copies	\$	1,697.80
Court Costs & Filing Fees	\$	350.00
Court Reporters 7 Transcripts	\$	15.30
Computer Research	\$	2,042.09
Telephone & Facsimile		
Postage/Express Delivery/Courier	\$	34.63
Professional Fees (investigator, accountant, etc.)		
Experts		
Witness / Service Fees		
Travel: Airfare		
Travel: Lodging/Meals		
Travel: Other		
Car Rental/Cabfare/Parking	\$	147.80
Other Expenses		
	\$	4,334.12